

COPY

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

CARL RAGASA AND KANANI
RAGASA,

Plaintiffs,

vs.

COUNTY OF KAUAI, KAUAI FIRE
DEPARTMENT, DAVID SPROAT,
ROBERT KADEN, SIDNEY KINI, AND
ETHAN SAGE,

Defendants.

CIVIL NO. 03-00540 BMK

**DEPOSITION OF ESTELLE C. FURUIKE
UPON WRITTEN INTERROGATORIES**

Taken by and on behalf of Defendant, ETHAN SAGE, at the offices of Kauai Police Department,
3990 Kaana Street, Suite 200, Lihue, Hawaii, commencing at 3:00 p.m., on Tuesday, September
6, 2005, pursuant to Rule 31 of the Federal Rules of Civil Procedure.

RECORDS RE:

CARL RAGASA and ETHAN SAGE

OBTAINED FROM:

KAUAI POLICE DEPARTMENT

BEFORE: CAROL A. RIDGLEY
Notary Public, State of Hawaii

UNDER THE DIRECTION AND CONTROL OF PACIFIC REPORTING SERVICES

PACIFIC REPORTING SERVICES UNLIMITED

733 Bishop Street
Suite 1470, Makai Tower
Honolulu, Hawaii 96813
(808) 524-PRSU

EXHIBIT 1

1 STATE OF HAWAII)
 2 COUNTY OF KAUAI)

) SS.
)

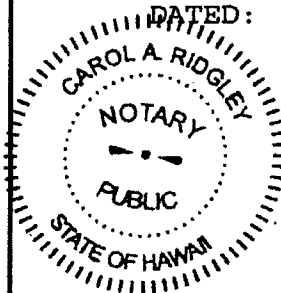
3 I, CAROL A. RIDGLEY, a Notary Public in and for the State
 4 of Hawaii, do hereby certify:

5 That on 9/06/05, at 3:00 PM,
 6 personally appeared before me ESTELLE FURUIKE,
 7 the witness whose deposition is contained herein; that prior
 8 to being examined, the witness was by me duly sworn; that the
 9 deposition was taken upon written interrogatories, a copy of
 10 which was served upon opposing counsel pursuant to Court
 11 rules; that the interrogatories were propounded to the witness
 12 by me as hereinbefore noted, and that the witness made the
 13 answers as contained herein.

14 That the witness was notified by the notary either
 15 verbally, through counsel, by mail, or by telephone to appear
 16 and sign; that if the deposition is not signed, either the
 17 reading and signing of the deposition were waived by the
 18 witness, by stipulation of all parties, or the deponent has
 19 failed to appear and the deposition is therefore kept on file
 20 without signature pursuant to Court rules.

21 I further certify that I am not attorney for any of the
 22 parties hereto, and that I am in no way interested in the
 23 event of said action.

24 DATED: 9/06/05



Carol A Ridgley
 CAROL A. RIDGLEY
 NOTARY PUBLIC, State of Hawaii
 My Commission Expires: January 24, 2006

CERTIFICATE

7

I, ADRIANNE IGE KURASAKI, a Certified Shorthand Reporter in and for the State of Hawaii, do hereby certify:

That the deposition upon written interrogatories contained herein was prepared under my direction and control.

I further certify that I am not an attorney for any of the parties hereto, and that I am in no way interested in the outcome of said action.


Adrienne Ige Kurasaki, CSR #388

SEP 6 2002

SAGE, ETHAN
AKU RD.
HANAIEI, HI.

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SUPPLEMENTARY REPORT

ASSIGNED

040102/1330/MON

Assistant Chief Gordon ISODA assigned this writer to continue the investigation regarding a harassment complaint filed by two County of Kauai employees against another fellow employee.

SYNOPSIS

On Wednesday, 3/20/02, and Friday, 3/22/02, a lifeguard training was held at Hanalei.

On 3/20/02, ETHAN SAGE a lifeguard participating in the training, is alleged to have tried to pick a fight with another lifeguard assigned for duty at Tower #1 (not a participant) CARL RAGASA, by making a derogatory comment that RAGASA didn't know how to do his job. SAGE and RAGASA were not friends and did not get along.

On 3/21/02, RAGASA and other employees suggested to SID KINI, the supervisor, that the training be moved away from Tower #1 where RAGASA was assigned to avoid another confrontation. To RAGASA's surprise, those requests were ignored.

On 3/22/02, at about 0800 hours, KINI & SAGE reported to the training at Tower #1. Upon seeing them RAGASA, yelled at them to get the fuck out of there. RAGASA also told them "Come on, let's go right now." RAGASA left and walked into the storeroom. KINI followed RAGASA in the storeroom and told him that his actions were out of line. RAGASA then ran off down the beach to cool off. No other incident occurred.

SCENE

Hanalei Beach vicinity of Lifeguard Tower #1, Hanalei, HI.

VICTIMS

#1: SAGE, Ethan White/male
 Aku Rd., Hanalei, HI.
 P.O. Box 505 Hanalei, HI. 96714
 DOB: 04/03/1978 (23)
 PHONE @: 346-0431

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PHONE (W): 241-6506
County of Kauai - Water safety officer

#2: KINI, Sidney Japanese/male
8568 Elepaio Rd., Kekaha, HI.
P.O. Box 763 Kekaha, HI. 96752
DOB: 06/01/1953 (48)
PHONE @: 337-1643
PHONE (W): 338-1483
County of Kauai - Firefighter

SUSPECT

RAGASA, Carl A Filipino/male
1241 Puuopae Rd., Kapaa, HI.
DOB: 10/11/19662 (39)
SSN: 575 86 7297
SID: T72103C9
PHONE @: 651-7905
PHONE (W): 635-7381
County of Kauai - Water safety officer

WITNESSES AT SCENE

WATER SAFETY OFFICERS
McKAMEY, Mark

5288 Malolo Place
P.O. Box 1141 Hanalei, HI. 96714
DOB: 05/31/1963 (39)
PHONE @: 639-1576
PHONE (W): 241-6506
County of Kauai - Water Safety Officer

LISTMAN, Chad

Alealea St., Haena, HI.
P.O. Box 185 Hanalei, HI. 96714
DOB: 11/23/1975 (26)
PHONE @: 827-8334
PHONE (W): 241-6506
County of Kauai - Water Safety Officer

PICO, Chris

Alealea St., Haena, HI.
P.O. Box 1250 Hanalei, HI. 96714
DOB: 10/10/1977 (24)
PHONE @: 827-8334
PHONE (W): 241-6506

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County of Kauai - Water Safety Officer

ORTIZ, Randal

3265 Wawae Rd., Lawai, HI.
P.O. Box 545 Eleele, HI. 96705
DOB: 10/25/1962 (39)
PHONE @: 332-9105
PHONE (W): 241-6506
County of Kauai - Water Safety Officer

VIERRA, David Kalani

3375 Puni Rd., # L, Koloa, HI.
P.O. Box 266 Koloa, HI. 96756
DOB: 10/14/1965 (36)
PHONE @: 742-8738
PHONE (W): 635-7381
County of Kauai - Water Safety Officer

HURD, Gerald

5196 Kanulua St., Hanapepe, HI.
P.O. Box 188 Eleele, HI. 96705
DOB: 02/13/1980 (22)
PHONE @: 335-6477
PHONE (W): 241-6506
County of Kauai - Water Safety Officer

DUNCAN, David

FIREFIGHTER
TRAINING INSTRUCTOR
SOUZA, Kevin

OTHER WITNESSES

WATER SAFETY OFFICERS
HUNTER, Norman

1666 Wanaao Rd., Kapaa, HI. 96746
DOB: 03/21/1957 (45)
PHONE @:
PHONE (W): 635-7382
County of Kauai - Water Safety Officer

WOLCOTT, Clayton E.

5401 Kula Mau'u St., Kapaa, HI.
DOB: 12/24/1965 (36)
PHONE @: 822-2161
PHONE (W): 241-6506
County of Kauai - Water Safety Officer

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KENNELLY, Gavin

5-6540 Kuhio Hwy., Hanalei, HI.
P.O. Box 92 Hanalei, HI. 96714
DOB: 04/12/1982 (20)
PHONE @: 826-1826
PHONE (W): 241-6506

WITNESS STATEMENTS

Complainant #1: SAGE, Ethan

1st Statement obtained verbally by Patrol Officer Kyle OKAMURA at Police headquarters on 3/27/02.

SUMMARY OF 1st STATEMENT:

- He (SAGE) and RAGASA used to be good friends until March of 1999, when an incident involving another employee occurred, that made RAGASA turn against him.
- On Friday, 3/22/02, at about 0800 hours, he saw RAGASA walking towards the bathroom from Tower #1.
- A few minutes later he heard RAGASA yelling from behind, "What, haole boy. What you doing here? Get the fuck out of here. You fuck'n pussy. You fuck'n boy. Get the fuck out of here. Come on, let's go, you and me." As this was being said, RAGASA was pointing his finger at him.
- RAGASA continued to yell at him, "Come on, boy, let's, go right now. Let's go. You like call the fuck'n cops. Call the fuck'n cops. Call'um, call'um. "
- He (SAGE) then heard RAGASA yelling at FAO Sidney KINI, "Let's go, come on let's go. You wanna call the cops? Go ahead call the cops."

2nd statement provided by Ethan SAGE in written form dated 6/4/02 (see attached).

SUMMARY OF 2nd STATEMENT:

- **HE DID NOT WANT TO PRESS CHARGES AGAINST CARL RAGASA** for the incident on 4/ /02. (actual date of incident referring to is 03/22/02)
- Unknown date, Battalion Chief (B.C.) Bob KADEN and W.S.O. III Norman HUNTER picked him up from work at Tower #9 (Haena Beach Park) & took him via County Fire Department Blazer to the Lihue police station.

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- At the station, he was joined by FAO (Fire Apparatus Operator) Sid KINI.
- He & KINI made statements to an officer.
- He was then taken home by B.C. KADEN.

Complainant #2: KINI, Sidney

1st statement addressed to B.C. Kaden from Sid KINI in written form dated 3/23/02 (see attached).

SUMMARY OF KINI'S 1ST STATEMENT:

Events that occurred on Wednesday, 20 March, 1530 hours, Tower 1

- After completing Billy Pugh Net training at Hanalei Pier, he & SAGE were walking back on the beach towards Tower #1. SAGE spotted two women near shore and dangerously close to a rip current. SAGE reported the incident to RAGASA & McKAMEY.
- Lifeguards on duty at this time were WSO II McKAMEY and RAGASA.
- RAGASA yelled at SAGE, "Don't tell us how to do our job. Get the fuck out of here."
- RAGASA then called to his wife to, "Go get him".
- SAGE said he felt intimidated and embarrassed by RAGASA'S actions.
- At about 1630 hours, RAGASA mentioned if the training continued and SAGE came around he would break his arms.
- Training participants who witnessed the events besides him were FAO SOUZA, WSO ORTIZ, VIERRA, DUNCAN, HURD, and PICO & SAGE.
- RAGASA knew that the training was planned in the Tower #1 area for Friday, 3/22/02. B.C. KADEN was contacted and informed of the events of the day.

Events that occurred on Thursday, 21 March 02, 0815 hours, Salt pond end of Burns field Runway

- He received a telephone call from RAGASA stating not to come to Tower #1 and hold the training at Hanalei Pier or else he was going to pound SAGE.
- He informed B.C. KADEN of the call.
- B.C. KADEN stated that the training was dictated by the needs of the class and its instructors, not the anger of RAGASA, and therefore the training would

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remain at Tower #1 (Hanalei Pavilion area).

*Events that occurred on Friday, 22 March 02, 0800 hours,
Tower 1 Hanalei Beach Park*

- He arrived at Tower 1 at 0800 hours.
- RAGASA drove up to him and stated, "I told you not to come here."
- Several minutes later RAGASA saw SAGE and he (KINI) walked to a position so that RAGASA could not approach SAGE.
- He (KINI) then confronted RAGASA at the storeroom area where he tried to talk to RAGASA about his actions and cool him (RAGASA) down.
- RAGASA then left the area, running down the beach.
- He then moved to Tower #2 area because he (KINI) decided it would be a safer course of action.
- B.C. KADEN notified of incident and decision to move, and he (KADEN) stated that the situation could not be tolerated and that the department would have to take appropriated action.

Reputation of RAGASA, according to KINI:

- KINI claimed that RAGASA had a history of targeting individuals around what he described as "His beach, his lifeguard tower and his side of the Hanalei Bridge."
- KINI claimed that everyone involved said that RAGASA'S behavior has been the same over the years and that lifeguards, other county employees and members of the public have been targets of RAGASA'S verbal abuse on countless occasions.

2nd statement obtained verbally by Patrol Officer KYLE OKAMURA at Police headquarters on 03/27/02.

SUMMARY OF KINI'S 2nd STATEMENT:

- He was the trainer for a three day water safety class held last week at Hanalei pier, Hanalei Beach Park & Burns field.
- He felt threatened by RAGASA'S remarks made towards him on 3/23/02 at about 0805 hours at Hanalei Beach Park.
- RAGASA'S behavior has been an on-going problem that needs to be addressed and corrected.

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3rd statement obtained verbally by Detective SAM SHELDON, at Investigative Services Bureau on 4/10/02, 17:05 p.m.

SUMMARY OF KINI'S 3RD STATEMENT:

As to events that occurred on March 20, 2001:

- He learned that there was a conflict between two fellow Water Safety Officers, Ethan SAGE & Carl RAGASA prior to the training.
- They had a training set for 3/20/02-3/22/02 at Hanalei & Salt Pond.
- On 3/20/02, SAGE and others with him, went to Hanalei for the first day of training.
- No incident occurred until the end of the day.
- At the end of the day, two women were caught in a rip current fronting Tower #1. RAGASA & MCKAMEY were standing by, when SAGE unexpectedly said to him, loud enough for RAGASA & MCKAMEY to hear, "Look at the senior life guards (referring to RAGASA and MCKAMEY), they don't know how to do their job!"
- In response, RAGASA stated, "Don't tell us how to do our job, get the fuck out of here."
- RAGASA told him at the end of the day that if SAGE came here again, he would break his arms.
- He informed B.C. KADEN of what transpired that day.

As to events that occurred on March 21, 2002:

- On 3/21/02, he received a call from RAGASA asking him to hold the 3/22/02 training scheduled for Hanalei somewhere else besides fronting Tower #1, given the hostility between RAGASA and SAGE.
- He confirmed that RAGASA was trying to eliminate any confrontation with SAGE by calling and asking KINI to move the training of 3/22/02 away from Tower #1.
- He called B.C. KADEN to inform him of RAGASA's request. KADEN'S response was, "RAGASA will not dictate where the training is going to be held."

As to events that occurred on March 22, 2002:

- Given KADEN'S response, the training location was NOT CHANGED & all participants for training arrived in the morning as scheduled on 3/22/02 at Tower #1.
- RAGASA was upset, and yelling at KINI, inquiring as to why the training was still at Tower #1.
- KINI tried to calm him down, when RAGASA took off

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running down the beach.

- KINI agreed that RAGASA was trying to avoid any more confrontation or incidents by taking a run on the beach.
- KINI gathered the participants & they decided that the water conditions fronting Tower #1 was unsuitable for the training. Because of the water conditions and the volatile situation, they decide to move to Tower #2.
- No other incident occurred.

As to RAGASA's reputation,

- He has never worked with RAGASA or SAGE in the past.
- He could not provide any instances to support his written 3/23/02 memo to B.C. Kaden that "RAGASA has a history of subjecting other individuals to verbal abuse."
- He could not produce any documentation or had any first hand knowledge of RAGASA'S behavior in the past to other employees and/or members of the public.

SUSPECT - CARL RAGASA

033102/1030/SUN/HANAIEI PAVILION BEACH PARK

Suspect, Carl RAGASA arrested by PSB Officer G. KIM acting on APB issued by initial investigator K. OKAMURA.

MIRANDA WARNINGS 033102/1130/SUN/HANAIEI SUB STATION

Prior to any statement being obtained, Officer KIM read the suspect his Miranda Rights via KPD Form 364 and suspect elected to reserve the waiving of his rights. RAGASA elected not to sign KPD Form 364, but stated that he would consider submitting a statement & documents at a later time.

WITNESSES

McKAMEY, Mark

SUMMARY of McKAMEY'S STATEMENT :
(Refer to written letter submitted by McKAMEY attached.)

- Regarding the recent accusation involving Carl RAGASA & Ethan SAGE, the entire situation could have been avoided had KINI kept RAGASA & SAGE apart.

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- KINI was notified 2 days earlier, 03/20/02, of the problems with SAGE in the past as well SAGE's actions on 03/20/02.
- Both he and RAGASA strongly suggested that the 3/22/02 training be held elsewhere to avoid any more confrontation between Carl & Sage. KINI agreed.
- Friday, 03/22/02, the training was brought back to Tower #1, despite the problems with RAGASA & SAGE at that location & the water conditions there not being ideal for the training.
- He believes that this and many other problems has been due to poor management.
- He has worked with RAGASA for the past ten years and knows that RAGASA has the ability and professionalism as well as the dedication needed for the job.
- He has worked with SAGE for several years and has been disappointed with his performance.
- SAGE has shown disrespect to his superiors and has lied and made numerous excuses for all his wrongdoings.
- The day of the apparent threat, SAGE seemed to be "mocking" Carl and him (McKAMEY) and SAGE showed disrespect as usual instead of helping them with the situation (swimmer in distress).

LISTMAN, Chad

SUMMARY of LISTMAN'S STATEMENT :
(Refer to written letter submitted by LISTMAN, attached.)

- He is generally assigned on the North Shore at Tower #1 & #2.
- He works with great waterman, team players and easy to work with guys.
- RAGASA & McKAMEY are truly at the top of their game.
- He doesn't understand why the best lifeguard, RAGASA, is always under attack.
- He works with RAGASA everyday and he is a true professional.
- He has never felt threatened or witnessed RAGASA in a hostile act.
- He has worked with SAGE for about 10-12 years and considers him a friend however, he disagree with SAGE'S actions on and off work.

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- He personally witnessed SAGE's disrespect for authority, personnel, equipment and abuse of sick leave days.
- He witnessed SAGE call in sick on 8/7/01, but saw him come to surf in plain sight of his co-workers and harass them, by criticizing the way they do their job.
- He has no doubt that SAGE did the same sort of harassment to McKAMEY & RAGASA as SAGE did on 8/7/01.

PICO, Christopher

SUMMARY of PICO'S STATEMENT :

(Refer to written letter submitted by PICO, attached.)

- Regarding the incident that occurred on March 20, 2002 during the lifeguard training class held at Tower #1, Hanalei Bay, he heard SAGE make a derogatory comment insinuating that they weren't doing their job.
- SAGE has had several problems with the North Shore lifeguards, instigating trouble and disobeying the senior guards, like he did on 3/20/02.
- The whole incident on Friday, 3/22/02, following the incident between RAGASA & SAGE on 3/20/02, could have been avoided by just having the training at Tower #2 where the water conditions were more suitable. However, instructor KINI insisted on having the training at Tower #1 which led to another incident.
- During one portion of the training at Hanalei, the whole class was held up because SAGE was a ½ hour late.
- B.C. KADEN's response to SAGE'S tardiness was, "Well he's a county worker."
- In the past, SAGE has never been held accountable for his action.

ORTIZ, Randy

SUMMARY OF ORTIZ'S STATEMENT :

(Refer to typed letter submitted by ORTIZ, attached.)

- He arrived at Hanalei Pavilion on March 22, 2002, Friday when RAGASA approached Kalani (VIERRA) and himself asking why they were there.

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- He heard that RAGASA called KINI the day before & asked to have the training relocated from Tower #1 because of the problems between RAGASA & SAGE.
- He suggested to KINI that his class that involved Board Rescue and Rescue Tube be held at Tower #2, instead of Tower #1, where the conditions were better for that type of training.
- He also suggested that VIERRA'S portion of the class involving Jet Ski be held at Tower #2, which VIERRA agreed, because the water conditions were better there than fronting Tower #1.
- He felt that the whole incident could have been avoided if the class was held at Tower #2 in the first place.

VIERRA, Kalani

SUMMARY OF VIERRA'S STATEMENT :
(Refer to VIERRA'S statement verbally obtained by patrol officer SHAWN SMITH, attached.)

- Although he was present during the stated incident, he was not in a position to get an accurate account of what was going on.
- He heard some yelling but couldn't comfortably state who was yelling what, so therefore would rather not get involved.

HURD, Gerald

SUMMARY OF HURD'S STATEMENT :
(Refer to HURD'S typed letter attached.)

- On Wednesday, 3/20/02, they were scheduled to have training at Tower #1.
- The supervisors were informed that SAGE and Carl (RAGASA) did not get along.
- On that day, after the training was finished, and as he headed back to Tower #1 from the pier, he saw RAGASA & MCKAMEY in the tower & saw SAGE walk by the tower.
- When SAGE walked by, SAGE was picking a fight by making a smart ass remark to RAGASA & MCKAMEY that senior guards (referring to them) were not doing their job.

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- On Thursday, 3/21/02, at Salt Pond, RAGASA called KINI and informed him not to bring the training to Tower #1 because of the conflict with SAGE.
- On Friday, 03/22/02, they were still sent back to Tower #1 for training. It looked like a set up to get RAGASA mad so that they could fine him.
- They, the training guards, had a meeting and they decided to go to Tower #2, but Sid KINI still wanted to stay at Tower #1. In the end they ended up going to Tower #2 so there would be no conflict.
- At lunch break, they were informed by KINI to report back at 1:00 pm at the boat ramp.
- SAGE showed up ½ hour late for afternoon training.
- He has worked with SAGE, and noticed that he doesn't get along with the other guards because he has a cocky attitude with everyone.
- He recalled an incident at Tower #5 where SAGE picked up the lifeguard truck to bring equipment to Tower #4. He found weed in the truck and gave it to his supervisors. SAGE was confronted but denied that the weed belonged to him. At the end of the day, SAGE asked him whose weed was it that he found, and he said I don't know. SAGE then told him, "that was not my weed, mine is in my bag."

The following statements were submitted by three fellow Water Safety Officers who speaks of their personal dealings with both Ethan SAGE & Carl RAGASA.

HUNTER, Norman

SUMMARY OF HUNTER'S STATEMENT
(Refer to HUNTER'S written letter attached.)

- He is a lead supervisor for the Water Safety Officers.
- He was not informed of what type of daily schedule which the training included, and what type of format was to be used by trainer Sid KINI and Chief KADEN, until 2 days before the training.
- During this time of the uninformed scheduling, a life guard (Ethan SAGE) with a very poor work record was scheduled to be in the class.
- SAGE has very poor work ethics and has numerous complaints by his fellow workers and from the general public, which led him to be suspended.

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- SAGE has a personal relationship with Chief KADEN and was described by KADEN as "my almost son."
- Since then, other complaints lodged against SAGE have been swept under the rug by Chief KADEN.
- He believes that this training was deliberately taken to Tower #1 against the wishes of both himself (HUNTER) and Roy YAMAGATA (other supervisor), for the fact that the lead lifeguard, Mark McKAMEY personally requested the move because of Ethan's (SAGE) wise remarks to his men.
- KINI passed McKAMEY'S request to KADEN, who then demanded the class be held at Tower #1.
- He heard KADEN make comments of tape recording the conversation between him and RAGASA, building a case against RAGASA and the rest of the workers there.

WOLCOTT, Clayton E.

SUMMARY OF WOLCOTT'S STATEMENT :
(Refer to WOLCOTT'S two (2) written letters, dated 4/1/02, attached.)

- He knows first hand that Ethan SAGE has little or no respect for the senior lifeguards in the department, or some of his fellow guards, especially the other WSO II on the North Shore.
- He has no doubt that SAGE clearly instigated the incident.
- He works with senior lifeguards RAGASA and McKAMEY and respects them as their leader as well as friends.
- Both have led them to necessary training and guidance to help them do their job in treacherous conditions on the North Shore.
- They both are true waterman and professional lifeguards.

KENNELLY, Gavin

SUMMARY OF KENNELLY'S STATEMENT :
(Refer to KENNELLY'S type letter, attached.)

- He witnessed 2 incidents where SAGE violated rules by leaving his assigned work station.

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- On 3/27/02, Tower 9, at approximately 10:00 a.m. to 11:30 a.m. SAGE left his station unattended to cook pizza at a nearby friend's house.
- On 3/28/02, Tower 9, at approximately 9:30 a.m. to 11:00 a.m., SAGE left his assigned post, to bake bread at a nearby friend's house.

FINDINGS

Investigation showed that all parties involved knew of the personal conflict between Ethan SAGE and Carl RAGASA prior to the training. Despite knowing about this conflict, a training was scheduled on March 20, 2002 and March 22, 2002 at Hanalei wherein both parties would be present.

After reviewing all of the statements, it appears that on March 20, 2002, the first incident was instigated by ETHAN SAGE at Tower #1 when he appeared to be picking a fight by making a "smart-ass" and/or derogatory remark (see statements by Gerald HURD & Christopher PICO) to McKAMEY & RAGASA that they did not know how to do their job. Given the prior problems between the parties, and the statements of SAGE's character as one who shows disrespect to authority, cockiness & irresponsibility (see statements of McKAMEY, LISTMAN, PICO, HURD, HUNTER, WOLCOTT), SAGE's statement appears to have been made with the intent to harass, annoy or alarm RAGASA in a manner likely to provoke a violent response. Further, SAGE appears to have been successful in his intent, which caused RAGASA to respond by swearing at him and telling him to get out of there.

Having this volatile situation present, witness statements above indicate that from March 20, 2002 to March 21, 2002, RAGASA, McKAMEY, HUNTER & ROY YAMAGATA made a number of attempts to avoid any other confrontations by requesting instructor Sid KINI to move the training site away from Tower #1. During one of these conversations with KINI, RAGASA told KINI that if SAGE came around, he would break his arm.

From McKAMEY's statement, it appears that after the conversation with KINI on March 21, 2002, he was under the belief that KINI agreed to move the training to a different site. However, his belief was proven wrong, when he and RAGASA were surprised by KINI and the rest of the participants, including SAGE, showing up the next morning on March 22, 2002 at Tower #1.

SAGE, ETHAN
AKU RD.
HANAIEI, HI.

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Investigation shows that B.C. KADEN was appraised of the explosive situation yet, not only failed to take any actions to prevent a confrontation but escalated the crisis and endangered the safety of his employees by deliberately insisting that the training be held at Tower #1 (see statements of KINI, McKAMEY, PICO, ORTIZ, HURD, & HUNTER).

B.C. KADEN's actions in demanding that the training occur at Tower #1, appear to be irrational given 1) the hostile situation between RAGASA and SAGE and, 2) the fact that McKAMEY, PICO, ORTIZ, & VIERRA all state that Tower #1's water conditions were unsuitable for the training scheduled that day.

Investigation further reveals that upon arrival of KINI, RAGASA was very upset and started yelling at him, "I told you not to come here! Get out of here!" RAGASA also walked to SAGE and yelled at him, "Get the fuck out of here!" To both of them, RAGASA further yelled, "Let's go, now!"

Evidence shows that after RAGASA made these statements, he did not act upon it, but instead removed himself from the scene and walked into the storeroom to get away. KINI followed him into the storeroom and told RAGASA that his actions were out of line. RAGASA then asked KINI "you wanna go, let's go." "You wanna call the cops? Go ahead call the cops." KINI responded by saying, "No, I am not going to call the cops." RAGASA further took measures to avoid any disputes by running down the beach to cool off. KINI agreed that RAGASA ran down the beach to avoid any more confrontation. There were no other incidents.

Given RAGASA's words and actions, his statements do not rise to the level of being an "unequivocal & unconditional" threat as to convey an imminent prospect of execution (instead of acting on his words, he took off) thus, the evidence does not seem to substantiate the crime of Terroristic Threatening.

Numerous witnesses (see statements of McKAMEY, LISTMAN, PICO & WILCOTT) have high regard for RAGASA and has described him as a great leader, the best lifeguard, and a true team player that exhibits the highest degree of professionalism and dedication.

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Numerous witnesses (see statements of McKAMEY, LISTMAN, PICO, HURD, HUNTER, & WOLCOTT), have personally been offended by the unprofessionalism and disrespectful actions of SAGE.

Documented verbal and written reprimands leading to suspensions confirm SAGE's lack of reliability and accountability (see attached letters dated October 19th and October 31st, 2001 approved by Chief Sproat).

Investigation also reveals that the police was never called to the scene, as no complaint was made until March 27, 2002, almost a week after the confrontation. Further, it appears that a police report was not initiated by the complainants but by B.C. KADEN who did not witness any of the events. According to SAGE, B.C. KADEN on his own accord picked him up in Hanalei while he was working and on duty and transported him to Lihue station, where they were met by KINI, to make a report.

It appears further that SAGE filed a written statement on June 4, 2002, stating that HE DID NOT WANT TO PRESS CHARGES AGAINST RAGASA.

Given the totality of the circumstances, there appears to be insufficient evidence that RAGASA committed the crime of (1) Harassment against SAGE (Report #02-06772) and (2) Harassment against KINI, which was declassified from Terroristic Threatening by patrol (Report #02-06773).

RESULTS

Case forwarded to the Kauai County Prosecutors Office for review and final disposition.


DISPOSITION

ARREST & BOOKED BY PATROL SERVICES BUREAU (OTH)


SAGE, ETHAN
AKU RD.
HANAIEI, HI.

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HARASSMENT
OFF. DATE: 03/22/02

SUBMITTED BY:


DETECTIVE SAM SHELDON K-58
082802/1600 HOURS

APPROVED BY:


LT. REGINA VENTURA K-28
ISB ADULT SECTION COMMANDER